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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,284	10/07/2003	Shinichi Ueda	025416-00005	4018

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EXAMINER

GIBSON, ERIC M

ART UNIT PAPER NUMBER

3661

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,284

Applicant(s)

UEDA ET AL.

Examiner

Eric M Gibson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/7/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada (US006538559B1).

a. Per claim 1, Okada teaches a vehicular remote control device including a vehicle transmitter for transmitting a request signal (15A-18A, figure 1), a portable unit for transmitting a response signal (60, figure 4), a vehicular receiver for receiving the response signal (24, figure 1), control means for determining whether the response signal received by the vehicular receiver matches identification information stored in a vehicle or not and controlling an operating state of vehicle-mounted device depending on the result (S14 & S16, figure 5), and indicating means for indicating a failure status and decision means for determining the reception of a failure diagnosis signal (column 2, line 61 – column 3, line 4).

b. Per claim 3, Okada teaches that the vehicle-mounted device includes a door lock (44, figure 1).

c. Per claim 4, in Okada the signal is a “common” signal used in any types of vehicles.

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d. Per claim 5, Okada teaches a vehicular remote control device including a vehicle transmitter for transmitting a request signal (15A-18A, figure 1), a portable unit for transmitting a response signal (60, figure 4), a vehicular receiver for receiving the response signal (24, figure 1), control means for determining whether the response signal received by the vehicular receiver matches identification information stored in a vehicle or not and controlling an operating state of vehicle-mounted device depending on the result (S14 & S16, figure 5), failure diagnosis means for transmitting a failure diagnosis signal and indicating means for indicating a failure status and decision means for determining the reception of a failure diagnosis signal (column 2, line 61 – column 3, line 4).

e. Per claim 7, Okada teaches that the vehicle-mounted device includes a door lock (44, figure 1).

f. Per claim 8, in Okada the signal is a “common” signal used in any types of vehicles.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of Tagawa et al. (US005982292A).

a. Per claims 2 and 6, Okada teaches the invention as explained in the rejection of claims 1 and 5. Okada teaches using a "buzzer" (46, figure 1) as the indicating means. However, it is well known in the art that other forms of indication are equivalent to auditory buzzers. One such equivalent is a visual indication, such as an LED. This allows the system to give an indication to users in other forms beyond just auditory indication. Tagawa provides an example of this form of equivalent indication in column 4, lines 50-54). It would have been obvious to one of ordinary skill in the art, at the time of invention, to use a well-known equivalent means of indication, such as an LED, in the system of Okada, in order to provide a visual indication to the user, as shown in Tagawa.

Allowable Subject Matter

3. Claims 9 and 10 are allowed.

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a. Per independent claim 9, the prior art does not teach or reasonably suggest in combination the present invention including decision means for determining whether a failure diagnosis signal having a low frequency which is transmitted instead of the request signal is received by the LF receiver circuit or not and indicating means for indicating a failure status, wherein the decision means operates the indicating means when it is judged that a failure diagnosis signal is received by the LF receiver circuit as claimed.

b. Claim 10 serves to further define the invention over the prior art.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Okada et al. (US006700476B1) teaches an on-vehicle remote controller. Vogele (US006181254B1) teaches a remote keyless entry system having passive transmission mode. Sakagami et al. (US005907287A) teaches a keyless entry control apparatus. Narisada et al. (US005896094A) teaches a keyless entry system. Doyle et al. (US005850188A) teaches a self-diagnosing remote entry apparatus. Wallace (US005684337A) teaches a keyless vehicle entry receiver having a diagnostic mode of operation wherein a code comparison is not performed. Fischer et al. (US005552641A) teaches a remote-control access control device and method for operating the same.

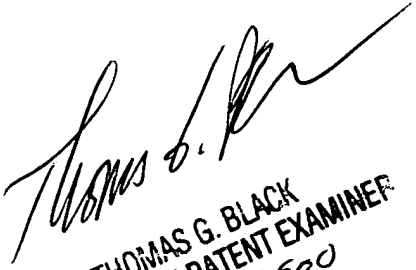
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Gibson whose telephone number is (703) 306-4545. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EMG


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